THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1252 of 2005

Dated: 28-07-2005

Between:

D.Kondal Rao, s/o Jagga Rao, E.No.998840, r/o Patha Rajampet, Post:Jangampally, Kamareddy Mandal, Nizamabad District.

..... APPELLANT

AND

1 The Labour Court-II rep., by its Presiding Officer, IV Floor, Chandravihar Building, M.J.Road, Nampally, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1252 of 2005

JUDGMENT: (Per the Hon'ble Smt Justice T. Meena Kumari)

Challenge in this appeal is as to the correctness of the order rendered by a learned single Judge of this Court dated 13.06.2005 in W.P.No.12408 of 1998.

02. The facts necessary to resolve the controversy between the parties as set out in the writ petition are as follows:

03. The appellant was appointed as a conductor in the 2nd respondent Corporation in 1983. When the appellant was conducting the bus service on 05-05-1998 in between Nizamabad and Naleswar, a check has been effected by the checking officials. After conducting a detailed enquiry in to the matter, the appellant was removed from service. Challenging the same, the he raised an industrial dispute in I.D.No.8223 of 1992 under Section 2-A (2) of the Industrial Disputes Act, 1947. Having gone through the both oral and documentary evidence, the Labour Court came to the conclusion that the appellant does not deserve for any relief and accordingly dismissed the claim petition. Aggrieved by the same, he preferred the writ petition.

04. In consideration of the facts pleaded, having regard to the materials placed on record and upon hearing the learned counsel for both particularly on a careful perusal of the order impugned, the learned single Judge dismissed the writ petition.

05. We have heard the learned counsel appearing on behalf of the parties.

06. Perused the entire material on record and the order impugned.

07. From a close scrutiny of the material on record, it brooks that in the spot explanation the appellant himself admitted that he had not issued the tickets to the passengers. Subsequently, the version of the appellant had been changed in his explanation to the charge memo stating that the passengers and himself were forced by the TTIs to give false spot statement. The intention on the part of the appellant by changing the versions from time to time , leads to draw an adverse inference against the conduct of the appellant. Thus, the attitude of the appellant clearly ordains that there is gross negligence and dereliction while discharging his duties at the relevant point of time.

08. In this backdrop of the matter, we have no hesitation to hold that the order of learned single Judge concurring with the view taken by the labour Court, does not suffer from any material irregularity or illegality and accordingly we see no merits in this appeal and the same is liable to the dismissed.

09. Resultantly, the writ appeal is dismissed.

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T.MEENA KUMARI, J

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P.LAKSHMANA REDDY, J

28.07.2005

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